

**ASSEMBLY BILL**

**No. 240**

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**Introduced by Assembly Member Monning**

February 10, 2009

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An act to amend Sections 2 and 3 of Chapter 188 of the Statutes of 1999, relating to conveyances.

LEGISLATIVE COUNSEL'S DIGEST

AB 240, as introduced, Monning. Conveyances: DeLaveaga Park.

Existing law requires all real property within the DeLaveaga Park Property owned by the state, other than that portion leased to the City of Santa Cruz, to be used for a National Guard camp of instruction and, if that use is determined by the Adjutant General to be no longer necessary for that purpose, requires the Department of General Services to reconvey the real property to the city, to be used in perpetuity for public recreational purposes. The department is also directed to convey to the city its fee interest in that portion of the DeLaveaga Park Property leased to the city to be used as a municipally owned public golf course, if the city simultaneously conveys in fee to the state the portion of the property that is leased to the state.

This bill would describe the portion of real property within the DeLaveaga Park Property leased to the City of Santa Cruz as comprising approximately 40 acres to be referred to as “the armory site,” and make various conforming changes.

The bill would delete the provisions requiring the Department of General Services to reconvey the real property to the city if the Adjutant General determines the property to be no longer necessary for the purpose of a camp of instruction for the National Guard, and would instead authorize the department, in that instance, to sell, lease,

exchange, or otherwise convey the armory site subject to the condition that the property be used in perpetuity for public recreational purposes. It would specify that the City of Santa Cruz would have the first right to acquire in fee or by leasehold all or part of the armory site before the department offers it to a 3rd party for sale, lease, exchange, or other conveyance subject to the condition that the real property be used in perpetuity for public recreational purposes. It would specify that nothing in these provisions would be construed to preclude the continued use of the armory building for the provision of services to homeless persons.

The bill would also delete the provisions requiring the city to simultaneously convey in fee to the state the portion of the DeLaveaga Park Property that is leased to the state, and instead require the city to simultaneously quitclaim any interest it has in the armory site, as a condition for the department conveying its fee interest in the portion of the park property leased to the city to be used as a municipally owned public recreational area. It would authorize, rather than direct, the department to convey its fee interest in this regard.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2 of Chapter 188 of the Statutes of 1999  
2     is amended to read:  
3     Sec. 2. (a) All real property within the DeLaveaga Park  
4     Property owned in fee by the State of California, other than that  
5     portion currently leased to the City of Santa Cruz, shall be used  
6     by the state exclusively for a camp of instruction for the National  
7     Guard. *The real property used by the state for a camp of*  
8     *instruction, comprising approximately 40 acres, shall be referred*  
9     *to as the armory site for purposes of this section.* If, however, the  
10    Adjutant General determines that the ~~real property~~ *armory site*,  
11    within the foreseeable future, will no longer be necessary for a  
12    National Guard camp of instruction and notifies the Department  
13    of General Services of that determination, the Department of  
14    General Services ~~shall, within 180 days of that notification, convey~~  
15    ~~the real property in fee to the city, subject only to the condition~~  
16    ~~that the real property be used by the city in perpetuity for public~~  
17    ~~recreational purposes, and for no other compensation or~~  
18    ~~consideration~~ *may sell, lease, exchange, or otherwise convey the*

armory site, subject to the condition that the real property be used in perpetuity for public recreational purposes.

(b) (1) Notwithstanding any other provision of law, the City of Santa Cruz shall have the first right to acquire in fee or by leasehold, all or part of the armory site, prior to the Department of General Services selling, leasing, exchanging, or otherwise conveying the armory site to a third party pursuant to subdivision (a).

(2) Any lease, exchange, or other conveyance of the armory site to the City of Santa Cruz pursuant to this subdivision shall be subject to the condition that the real property be used in perpetuity for public recreational purposes. However, nothing in this section shall be construed to preclude the continued use of the armory building for the provision of services, including, but not limited to, shelter services, to homeless persons.

(3) If the City of Santa Cruz does not acquire the entire armory site pursuant to this subdivision, the Department of General Services may sell, lease, exchange, or otherwise convey any remaining portion of the armory site pursuant to subdivision (a).

~~(b)~~  
(c) Notwithstanding any other provision of law that limits reversionary rights to real property, including, but not necessarily limited to, Chapter 5 (commencing with Section 885.010) of Title 5 of Part 2 of Division 2 of the Civil Code, title to the ~~property~~ armory site described in subdivision (a) shall revert to the possession, control, and ownership of the state if any of the conditions for the use of ~~that real property~~ the armory site are violated. If the ~~property is conveyed to the City of Santa Cruz~~ armory site is sold, leased, exchanged, or otherwise conveyed, any conditions for the use of ~~that property~~ the armory site prescribed in subdivision (a) shall be incorporated in the instrument conveying the property to the City of Santa Cruz.

SEC. 2. Section 3 of Chapter 188 of the Statutes of 1999 is amended to read:

Sec. 3. (a) The Department of General Services ~~is hereby directed, within 180 days of the effective date of this act, to may~~ convey to the City of Santa Cruz, ~~in accordance with the June 27, 1967, Lease Exchange Agreement between the state and the City of Santa Cruz,~~ its fee interest in that portion of the DeLaveaga Park Property that the state is currently leasing to the city,

1 comprising approximately 83 acres, and ~~which~~ *that* the city is  
2 currently using as part of the DeLaveaga Golf Course, if, ~~in~~  
3 ~~accordance with that agreement~~, the city simultaneously conveys  
4 in fee to the State of California that portion of the DeLaveaga Park  
5 Property that the city is currently leasing to the State of California  
6 ~~pursuant to the lease exchange agreement, comprising~~  
7 ~~approximately 98 acres of the “upper portion” of the DeLaveaga~~  
8 ~~Park Property, to be used by the state for public recreational~~  
9 ~~purposes~~ *quitclaims any interest it has in the armory site described*  
10 *in subdivision (a) of Section 2 of this act.* The state’s conveyance  
11 to the city shall be conditioned upon the real property being used  
12 as a municipally owned public golf course for as long as the city  
13 determines and thereafter used, in perpetuity, as a municipally  
14 owned public recreational area.

15 (b) Notwithstanding any other provision of law that limits  
16 reversionary rights to real property, including, but not necessarily  
17 limited to, Chapter 5 (commencing with Section 885.010) of Title  
18 5 of Part 2 of Division 2 of the Civil Code, title to the property  
19 described in subdivision (a) shall revert to the possession, control,  
20 and ownership of the state if any of the conditions for the use of  
21 that real property are violated. If the property is conveyed to the  
22 City of Santa Cruz, any conditions for the use of that property  
23 prescribed in subdivision (a) shall be incorporated in the instrument  
24 conveying the property to the City of Santa Cruz.

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